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COMPENSATION FOR PERSONAL INJURIES.

LAWYERS have been, since the foundation of our government, the principal actors in the field of legislation. For that reason a brief consideration of remedial legislation affecting this subject may be of use. The subject lacks the widespread interest attaching to questions now immediately confronting our people, and undoubtedly affects the whole body politic to a less degree. It is none the less a matter the importance of which it is difficult to overestimate—to the public in general as well as to those persons and corporations who happen to be more immediately concerned. And to the individual to whom an accident has made the subject one of peculiar interest, it is the most important subject of all. To a man upon whose daily wage depends not only his living, but the support of a wife and the care and education of his children, who has had the misfortune to lose a limb and thus become incapacitated to earn a livelihood, and to the widow and children who by a fatal accident have been deprived of the pecuniary support and the moral aid and help of the husband and father—in these classes come a very large number of people every year—all other subjects dwindle to insignificance.

To such unfortunate persons what matter the causes and effect of the tremendous conflict now raging in Europe, and so important to the welfare of the world, the relations of the State to the Federal government, the conservation of our resources, the regulation of public utilities and even the question of schools and municipal government? All such questions are

to them obscured by the absorbing question of how to keep the wolf from the door.

An aspect which lends importance to the question is that it peculiarly affects the man of small means—the wage earner. Men with an estate do not have to, and rarely do, work with dangerous machinery or follow pursuits where danger to life and limb are daily imminent.

The subject, therefore, is not merely one of serious import to the public at large who must necessarily be concerned in the welfare of all of its members, but is of vital and first importance to that very large class who come peculiarly within the range of its operation. While the question as usually agitated relates to injuries sustained in connection with railroad operations and the conduct of larger manufacturing establishments, it is by no means confined thereto, and is becoming less so confined as our civilization advances. The automobile alone has given the matter a much wider scope than it had fifteen years ago, although, it may be mentioned incidentally, the horse-drawn vehicle is more destructive of life and limb, if a mileage basis is taken. The biennial report of the Coroner of Cook County, Illinois, shows that, for the two years of 1914 and 1915, there were more than eight thousand fatal accidents from the operation of railways, street railways, automobiles, horse vehicles, elevators, machinery, electric currents, the construction of buildings, and the like. The non-fatal but very serious accidents must have been much more numerous.

Let us see what course must be taken at present by a man who has been injured by some individual or corporation in order to get redress. He approaches a lawyer and the first thing to be done is to make a contract by which, in consideration of the lawyer's services, he surrenders from twenty-five to fifty per cent of his claim. Here, at the outset, an injustice to someone occurs. For if the award eventually made embraces merely the loss which the plaintiff has sustained, he gets only fifty or seventy-five per cent of it. If, as often occurs, the jury undertakes to supply this deficiency by increasing the award, the defendant of course suffers unjustly.

The next step is the filing of a suit in some court. A lapse

of time ranging from several days to several months then occurs before defendant makes answer. The case awaits its regular call on the calendar and this means a further lapse of time running all the way from thirty days to twelve months or more. The average time for this is probably over six months. If the case is one of importance an appeal follows, the average time for the disposition of which is not far from eight months. If it develops there was an error in the proceedings of the trial court, the decision is reversed and the plaintiff must commence over again. During all of this time the plaintiff, assuming he is entitled to recover, has been deprived of the award due him and if the accident was a fatal one the widow and children have been left to get on as best they may.

This states only one side of the question—that of a plaintiff who has just cause. If his case is unjust, then the defendant has had his course made unduly severe in that he has been compelled to go to the expense of employing counsel and to undergo the annoyance of protracted legal proceedings. In the case of a large corporation having a well developed bureau in charge of such matters, this loss is much less proportionately than in the case of individuals who necessarily are not so protected. But even in the case of large public utility corporations the expense of the investigation and defense of personal injury suits, as now conducted, is a serious item and this of course is eventually paid by the public at large because the carrier has no income except what is paid to it by the public for transportation. This expense must be added to its transportation charges and thus the public ultimately bears the burden.

What has been said covers merely the objections as to time and expense. Let us see what takes place in the way of an actual determination of the controversy. A jury of freeholders of the county is summoned. These jurors usually represent the average intelligence and honesty of the community. None of them, however, have had any training in hearing and determining controversies and little, if any, experience. The question before them is one of law and of fact, and their duty is to apply the law to the facts. What the law is they learn from the trial judge—at least they are supposed to learn it.

But to tell a jury what the law is in any particular case and how to apply it is a duty of no little difficulty. Probably the only instance in which it was satisfactorily done was where a learned judge once said, "If you believe the plaintiff you will find for him. If you believe the defendant you will find for him." An illustration will best indicate the difference in this connection. Dr. McGuire may be able to perform a delicate and dangerous operation with complete success. But suppose he hands over the instruments to some great lawyer and says, "You do it," at the same time undertaking to tell the distinguished jurist how to do it. No one would like to be the patient in such a case. Portia's statement that "I can easier teach twenty what were good to be done, than be one of the twenty to follow my own teaching" is quite reversed.

The jurors, having heard the evidence and the charge of the court—also elaborate argument from counsel—retire to their room to consider their verdict. In too many cases the confusion of mind resulting from a technical statement of the law of the case by the Court has been accentuated by the argument —the abler the argument, the greater the confusion. Many are in the same state of mind as was King James, who undertook to sit with the Court one day. On the conclusion of the argument by plaintiff's counsel he vehemently declared, "The case is clearly for the plaintiff." After hearing defendant's counsel, he said, "No, it's clearly for the defendant." After plaintiff's counsel had again spoken, he declared with disgust, "They are both knaves alike."

Our common experience tells us how far jurors are governed by the law and the facts alone and how far considerations of sympathy or their own ideas of abstract justice enter into their conclusions. Probably many of us have heard men who had acted as jurors openly declare afterwards that they would not follow the law where they thought it was unjust.

It was not long since that a jury was made up in England of eminent men to try an issue as to who was the real Shakespeare. In the course of the preliminary examination Bernard Shaw, one of the jurors, rose to say, addressing counsel: "If you

think an English juror is going to be bound by the law and the facts, you greatly mistake his temper."

It is under such conditions that controversies of tremendous importance to the parties involved are decided.

Looking at the matter after it is all over, what has occurred, even though the final judgment of the court fairly represents the value of the life or limb whose loss is complained of? At least twenty-five per cent of the judgment has been taken from the party sustaining the loss to cover the fees of his attorney. The defendant has had to pay the expense of investigation and of the trial, including counsel fees, court costs, the printing of records and briefs. The public has had to pay for judges, jurors, court officials and the like. Putting all these into concrete figures means, in the case of a judgment of $10,000, a total expense to all parties of not far from $5,000—fifty per cent of the actual compensation awarded to the injured party. The smaller the judgment the greater the percentage.

When we consider all this, are we not bound to agree with the Supreme Court of Wisconsin when it speaks of "that very troublesome and economically absurd luxury, known as personal injury litigation"? Added force to this characterization comes when we consider some of the attendant incidents. For example, the ambulance chaser and his corps of employees, whose disgraceful conduct is so familiar to lawyers and has so often been denounced.

If a man from Mars should visit us and happen to inquire what provision we have made by way of securing compensation for personal injuries, he could scarcely suppress a smile of incredulity when he compared it with the efficiency in other branches of our civilization.

We have been so accustomed to our present mode of determining controversies of this kind that it will astonish us to realize how little progress has been made since the beginning of Anglo-Saxon jurisprudence. As will be mentioned, statutes have been passed in recent years eliminating defenses like those of fellow servants and assumption of risk and we have long had statutes providing a very liberal practice with respect to amendments in pleading. Aside from these reforms, however,

the present method of securing redress for personal injuries by suits in court differs little from what it was two hundred years ago.

Time was when the barber attended largely to what is now the business of the physician, while the blacksmith did the dental work, but it was long ago found out that men of technical education and experience were needed for things of that sort and the result is they are now attended to by highly trained men. No reason is perceived why the equally important business of determining controversies should not equally require and have men of training and experience, and should not be left to men lacking both, no matter what their native capacity or their education and experience in other lines may be.

The inquiry naturally arises: "Why has there been so little progress in respect of the trial of cases as compared with the progress in other fields? Why have the lawyers, to whom the people in this country have largely intrusted the business of legislation and of jurisprudence, advanced so little while their brethren of the medical and other professions have made such strides?" One reason is that, to a large extent, reform in judicial procedure or susbtantive law can only be accomplished through the medium of legislation. The principal reason, however, is found in the intense conservatism that has always characterized the lawyer. From the beginning of his professional education he is taught to venerate precedent and to accept it as embodying the wisdom of his forefathers. It is an element of character almost inseparable from the lawyer.

Permit here a word in defense of this attribute of lawyers—for the layman is fond of criticising them because of it. The principles of *stare decisis* and *res judicata* are important and essential to our jurisprudence. The man of business cannot conduct his affairs with safety except on the assumption that the law as theretofore declared is still the law. Titles to property and the validity of contracts would have no stability otherwise. As an ancient jurist has said: "No greater harm can come to an erring people than a *jus vaga*"—a wandering law, that is one thing today and another tomorrow. While these principles have less application to laws respecting personal in-

juries, they furnish largely the explanation of the lawyer's conservatism. But this is by the way.

In recent years reforms long discussed have begun to be put into effect. Most of these have been by way of abolishing the special defenses which were most frequently availed of. At common law there were three defenses usually asserted, aside from the defense of no negligence—contributory negligence, assumption of risk, and the fellow servant doctrine. One by one these defenses have been largely taken away. The provisions of the Federal Employer's Liability Act are a fair indication of the general statutory conditions now prevailing or in prospect in the States. That Act abolishes the fellow servant doctrine in all cases. It abolishes entirely the defenses of assumption of risk and contributory negligence where the violation by the carrier of any statute enacted for the safety of employees contributed to cause the injury or death. In all other cases, contributory negligence is no longer a bar, but goes merely in mitigation of damages.

These changes, it will be observed, are altogether in aid of the injured party. Changes in the other direction have been rare, if any at all have been made. The Federal Employer's Liability Act, before the amendment of 1910, limited the recovery in death cases to the pecuniary loss sustained by the party entitled to the recovery. The amendment of 1910, however, took away this limitation and one of the results of the change may been seen in the case of St. Louis, etc., Railroad Company *v.* Craft,[1] where an award by a jury of $5,000.00 for the pain and suffering alone of the deceased employee was sustained, although the evidence left in grave doubt whether the employee was conscious at all after the injury, and where it was conceded that the death occurred within half an hour after the injury.

The most notable direction which these efforts at reform have taken is in the passage of Workmen's Compensation Acts and acts modeled somewhat after Lloyd George's Compulsory Insurance Act. It will be impossible to give even a brief outline of the character of these various Compensation Acts, but per-

[1] 237 U. S. 648.

sons interested will find much information in the *"Digest of Workmen's Compensation and Insurance Laws in the United States,"* published by the Workmen's Compensation Publicity Bureau, 80 Maiden Lane, New York City.

As one example, the Ohio Act of 1911 may be referred to. That contemplates a system of State-managed insurance, compulsory but with exceptional alternatives. It is administered by the Industrial Commission, covers all public employments, except officials, and all private employments where the number of employees is five or more regularly employed in the same business or in and about the same establishment. Other employers may elect to come in. It also applies to employers and employees engaged in intrastate or interstate and foreign commerce with certain exceptions as to last two cases, which are necessary to prevent conflict with the Federal statutes. The act embraces all personal injuries received in the course of employment unless personally self-inflicted. A waiting period of one week after the injury is required for investigation. The commission, in its discretion, may disburse for medical aid such sum of money as may seem proper, not to exceed $200 in any case.

The compensation provided in this:

If disability is temporary, the employee is paid two-thirds of his average weekly wage with a maximum of $12.00 and minimum of $5.00; if less than $5.00, then full wage. The maximum period is six years and the maximum amount is $3,750.00. If the injury is permanent, however, there is no limitation of time or gross amount. If the disability is partial only, the award is two-thirds of the loss of earning power with a maximum of $12.00 weekly and a gross maximum of $3,750.00, with special schedules, however, for certain cases. If death occurs within two years, the funeral expenses not exceeding $150.00 will be paid and those wholly dependent on the deceased will receive two-thirds of his weekly wage for six years, the gross maximum amount being $3,750.00 and the minimum $1,500.00.

The Act provides how average wages shall be computed and as to who shall be deemed dependents. The employee may be

required by the Commission to submit to a medical examination at any time and from time to time at convenient places.

Compensation is settled and disputes determined by the Commission, from whose decision the claimant may appeal to the courts.

The operation of such state legislation is largely restricted now by reason of the fact that Congress, by the passage of the Federal Employer's Liability Act, has practically taken control of the subject so far as railroad employees are concerned and thus removed from the operation of state legislation injuries affecting these employees. Such state legislation has generally been sustained;[2] and some idea of the operation of the New York, Iowa and Washington acts may be gotten from the opinions of the United States Supreme Court in the cases sustaining them. Such acts, however, are invalid as applied to ocean-going steamships,[3] and to cases coming under the Federal Employer's Liability Act.

While these Workmen Compensation Acts seem to serve a useful purpose and probably are a step in the right direction, a serious objection to their scheme of operation is that it admits of no elasticity and requires compensation to be meted out by rigid measurement. Take the case of an engineer who has an estate that will amply take care of him even though his earning power is destroyed. He may have a small family dependent on him or none at all, and his injuries may have been due entirely to his own fault. Under the rigid scheme of these acts, he is generally compensated to the same extent as another engineer who has no estate whatever, who may have a large family dependent on him, and who was injured without any fault whatever on his own part. No scheme of compensation can be just which admits of such results.

The delay and expense necessarily incident to our present system of compensation and the hardship resulting therefrom to both litigants are by no means the only objection. Volumes

[2] New York Cent. R. Co. *v.* White, 243 U. S. 188; Hawkins *v.* Bleakly, 243 U. S. 210; Mountain Timber Co. *v.* Washington, 243 U. S. 219

[3] Clyde S. S. Co. *v.* Whitaker, 244 U. S. 255.

have been written and will yet be written upon the desirability of retaining that ancient and honorable institution known as the jury system. It is far from any of us to attack a system which was so wise in its inception and which has met the approval of our Anglo-Saxon civilization so constantly ever since, or to deprecate the regard which the jurisprudence of English-speaking countries has always entertained for the jury system. It is only necessary to refer to the fact that in the Federal Constitution and in every State Constitution it is uniformly provided that the right to trial by jury shall remain inviolate. A due respect for the men who made these constitutions must make one pause before questioning the propriety of its continued use. However, as times change and our civilization becomes more advanced and more complex, is it not a very serious question whether or not we should find some more adequate and efficient method for the determination of controversies at law? Probably we all approve the jury system as applied to criminal cases and they may be left out of consideration. In such cases there arise not merely questions of law and fact as we ordinarily understand them but there must be taken into account the infinite variety of impulses which actuate human conduct and other considerations which by common consent bear a part in all criminal cases.

But in the trial of a civil controversy involving, let us say, because that is the matter before us, the question whether the man who has inflicted an injury upon his neighbor should pay therefor and if so, how much, is the modern jury system the best way for determining those issues?

It is no reflection upon any civil engineer to say that he would be a poor man to take care of a lawsuit nor any reflection upon the most accomplished lawyer to say that he could not be trusted to perform an abdominal operation. Few will challenge the statement that in order to become a capable professional man there must be a long course of study followed by an equally long course of training. No man can do anything well except after study, training and experience. Why then is it any reflection upon the man who is called as a juror to say that he is much less capable of trying the case and determining the issues

in a lawsuit than the man who, by study and training in that particular pursuit, has become an expert? For determining disputed questions of fact, hearing the evidence of witnesses and weighing it, reconciling as far as can be done the conflicting testimony of the witnesses, determining how far interest or prejudice has biased the witnesses and how far the testimony of any witness comports with the facts or with other evidence as to which there is no controversy, are things which no man can do well without previous study, training and experience.

Reference has been made to the fact that argument of counsel frequently serves only to confuse jurors, even when the argument is from a capable man. In the case of judges, however, who are accustomed to hear argument and trained to appreciate and weigh it, nothing serves to clear up doubt and to open the way to a proper solution of the debated subject like argument. Without it no tribunal can properly decide a question that is at all involved.

Let us take a concrete case. An employee who has been injured in the fall of an elevator due to the breaking of the cable, sues his employer for damages. There is no dispute as to the fact of the injury nor of the breaking of the cable, but a large mass of testimony is introduced pro and con, much of it by experts, as to whether the cable was good when first purchased, whether it had been properly inspected before its use, whether the defect which caused it to break was latent or not, and similar questions. The testimony extends over a period of three or four days, lengthy arguments by counsel follow and then a lengthy charge to the jury. The jurors are not comfortable in the first place. They are unused to the confinement of a court room and to the dry details of its procedure; they have no opportunity whatever of taking notes. Rarely, if ever before, having been called for a duty of this sort, their minds are not trained to retain the testimony. Half the time they are anxious to get away so that they may return to their homes. They go to the jury room with nothing to aid them except their recollection of the testimony and of the arguments of counsel. They have no experience or training whatever in the business of applying the law to the facts and it too often occurs that the judge's

charge, instead of being illuminating, is only confusing. What are the chances of a correct verdict?

On the other hand, if the case is heard before a judge who is a trained lawyer and who, by the nature of the office, has become an expert in listening to testimony and remembering it, who is familiar with the air of the court room and so adjusts himself to it as to be able to be comfortable, who may take such notes as he pleases and, if the occasion calls for it, secure the entire transcript of the testimony, who knows how to apply the law to the facts, who can weigh and appreciate properly the argument of counsel—how infinitely superior are his opportunities to reach a right conclusion as compared with those of the jury, even though the members of the jury may be in their own vocations just as capable as the judge in his.

Another objection to trial by jury for cases of this character is that jurors, though never of the feminine gender, not infrequently render whimsical verdicts. All have often heard it said: "You can never tell what a jury will do." As one example in the writer's experience, a jury not long since found a verdict for $1,500 in favor of an infant six months old for rude language on the part of the station agent.

Still another objection to trial by jury lies in the fact that the personal equation so often plays too large a part. Of course, a competent judge, as well as a competent juror, quickly dismisses this equation from his mind and soon learns to disregard everything in the case except the law and the facts. The average juror, however, acquires no such ability because his service is at too widely separated intervals. It was often said, and with much truth, of the late Albert Biggs, of Memphis, that if a jury trial in which he was engaged as counsel lasted long enough he was certain to win. His personality was so remarkably attractive that if the jurors saw him long enough they were sure to be captivated by it. It is, of course, a matter of common observation that, with the average juror, a lawyer of engaging personality enjoys a tremendous advantage over an adversary whose personality is unfortunately repelling.

It is no new suggestion that the trial of cases like these can be better conducted by a judge or by a court composed of judges

alone than by a jury presided over by a judge. Opponents of the idea have always claimed that corporate defendants enjoy a greater degree of favor with judges than individual plaintiffs. The argument has been quite common that judges too much regard themselves as the guardians and protectors of corporate defendants. The supposed regard of courts for such defendants, however, is not well founded and is susceptible of explanation.

There is little denial of the fact that in the minds of the ordinary juror the plaintiff has a preponderating influence. This is not at all due to prejudice on the part of the jurors against corporations though such a charge is often made. It is due rather to sympathy—a sympathy that is quite natural and almost pardonable. The jurors see a man whose capacity to earn a livelihood has been destroyed, or else a widow and children whose only means for support has been taken away. Opposing they see a corporation, a soulless person, with supposedly ample means to make good the loss which the plaintiff has sustained. To the ordinary juror the idea at once occurs that such a defendant could, without appreciable loss to itself, take care of the misfortune which has come to one in its service, or who has been injured by one of its agents. And thus it is that jurors are so prone to find for the plaintiff—not through prejudice or through disregard for their oath as jurors, but through a sympathy that is natural and humane.

Judges have been aware of—they could not fail to observe—this proneness of jurors to find for the plaintiff; and nothing could be more natural or, indeed, proper than that they should regard it as their duty to protect defendants against the results of such a sympathy.

In this way there has grown up the idea that judges too largely favor the defendant when in fact they have been merely trying to hold the scales even. If judges alone were to be given the duty of trying suits of this character without the intervention of a jury, there can be little room for fear that defendants would enjoy a preponderating influence. Indeed, it is well known among members of the legal profession that when a lawyer has a good case, either for the plaintiff or the defendant, he

is quite willing and generally prefers to have it heard by a judge without a jury, while a lawyer who has a doubtful case always very much prefers a jury.

As we have endeavored to point out, the difference between a judge and juror is not one of honesty or of native ability—not at all. It is a difference between the trained and the untrained man. And we are guilty of no reflection upon the citizenry of the country when we insist that a judge, of training and experience in the business of hearing and determining legal controversies, is a better man to do that work than another man just like him in all respects except those of training and experience.

While a tribunal composed of one judge or several judges can determine a controversy of this sort with much greater promptness and justice than courts as now constituted where a jury must be had, even such a tribunal is hardly ideal. It is believed that the matter can be better handled by some sort of commission, modeled after the Interstate Commerce Commission, which, within a reasonable time after the occurrence, while the recollection of everyone is fresh and the facts more easily ascertainable, can render a more just judgment to be at once effective; this too, without the expense, annoyance and trouble to which litigants are subjected under our present methods.

Bearing in mind that an ideal system must provide that the individual or employee who was injured, whether through the negligence of the defendant or not, is to be taken care of, so that the master in many cases may be made to pay where he has been guilty of no negligence, we not only have a question as to what the injured man needs but also how far the defendant can afford to supply that need. Another illustration: The superintendent in charge of an Associated Charities hears a case of an unfortunate mother. It is clear that she really needs $300.00. He cannot stop at this inquiry, however, but must consider how far the fund at his disposal will enable him to go. So it is with the commission such as has been suggested—it cannot fairly and justly determine what ought to be done in a particular case without being informed as to both propositions.

This difficulty would not present itself if compensation is to be the end sought only in cases where the injury was a result of negligence on the part of the defendant. But, by common consent, the conclusion is rapidly being arrived at that no plan so limited in its operation will meet the exigencies of our present industrial life and that the master should be required, when possible, to take care of all injured employees without regard to his legal liability at common law; and justice cannot be done by any tribunal which has an eye merely to the wants of the injured and is blind to the capacity of the master who must pay.

It will be remembered that Mr. Roosevelt has advocated with characteristic force the view that public utility companies should make compensation in every case where an employee is injured or killed and, through its transportation charges, pass the burden on to the general public.

There is highly respectable opinion in favor of the view that the State, that is to say the Government, either State or National, should pay for all injuries, no matter how occurring, which result is financial distress to the injured man or those dependent on him; and that the State should, for this purpose, provide a fund to be derived from enforced contributions to be apportioned equably and from a right on the part of the State to enforce additional contribution from the author of the injury where his negligence was the cause of the accident.

If this seems a startling suggestion to some, let them reflect that exactly such a system is now in operation in several States for the protection of bank depositors. And it seems to have worked so well that its adoption is likely to follow in many other States if, indeed, it does not become universal.

There has often been discussed the extension of the power of the Federal government and it has many times been pointed out how much more efficiently things are done by it than have been or can ever be done by the States. In view of that and of the fact that, by the passage of the Federal Employer's Liability Act, Congress has taken over practically the whole subject of compensation by railroad companies to their servants—and this

means a very large percentage of the personal injury cases annually arising—is it not probable and advisable that the country, with a view to uniformity and efficiency, will eventually give to the Federal Government control of the entire subject we are discussing? Can we hope for an ideal, or even proper, solution of the whole question in any other way? In other words, in consequence of the increasing intimacy of the business and personal relations of the people of each State with those of all other States, has not the question become a national rather than a local one?

The whole theory of compensation for personal injuries (leaving out of view the quite recent Compensation Acts) has been that the injured man must look alone to the author of his injury and then only when the latter's negligence was the proximate cause. This involves, of course, refined questions of law as to what is negligence, and proximate cause. The present tendency, however, is clearly toward a plan of insurance—some scheme that will make reparation for the loss of life and limb on the theory that society should take care of such unfortunates without regard to where the fault lies. In other words, the toll of human life and limb that our industrial activity daily exacts is to be paid for by society and not by the unfortunate victim, or by the more or less unfortunate individuals or corporations through the conduct of whose business the loss occurs. Such a plan will require time and long consideration, much experiment, indeed, for its proper working out. It will be no easy task to provide a just solution of the varying cases. Of least difficulty, probably, are the cases in which an employee is injured while in the discharge of his duty. But suppose he is injured while not at work and while unlawfully walking on a railway track, or by an automobile on the highway? Suppose a farmer is killed at a railway crossing? These are but a few of the instances which indicate the difficulties of working out a scheme of reparation which will be at once just to the party who is to pay and sufficient to make good the loss sustained by the injured man or those dependent on him.

As adding to the complexity of the question, there must be

considered, in working out any scheme of insurance, how far it will tend to make men less careful and how far it will lessen the incentive to thrift.

Great as the difficulties are, there is no reason why we should not hope that the intelligence and capacity with which our civilization has handled so many equally troublesome problems will ultimately secure the solution of this one.

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